

# CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject:

USE OF HOLDING CELLS/INTERVIEW AREAS

## INTRODUCTION

The purpose of this order is to delineate the various acceptable uses of the interview rooms and holding cells located within the Police Department.

## INFORMAL AND NON-SUSPECT INTERVIEWS

In interviews and conversations between Department members and citizens or representatives of other governmental agencies, various areas may be appropriate depending on the nature of the contact.

1. A victim, witness, or other citizen being interviewed relative to a Department inquiry or investigation may be interviewed in one of the interview rooms or in the Investigative Division Offices if an investigator is participating in the interview.
2. Representatives of other government agencies may utilize the interview rooms or other area of the facility as approved by the Watch Commander.

## CRIMINAL RELATED INTERVIEWS - NON-CUSTODY

Interviews of suspects not in custody may be conducted in the interview rooms or in the Investigative Division Offices if an investigator is involved in the interview.

Every effort should be made to conduct such interviews in private so as to ensure the suspect's right to privacy and to minimize interruptions. The interview rooms are designed for this purpose and, therefore, should be used if at all possible.

## CUSTODIAL INTERVIEWS

Interviews of persons in custody must be conducted in private, out of the view and hearing of the general public. In such instances, the interview rooms should be utilized.

## SPECIAL CONSIDERATIONS

1. Persons in custody shall not be left unattended in offices or interview rooms.

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2. Multiple suspects shall not be left in the interview room in any instance where acts of aggression or violence have been committed by any of the suspects. Officers should use discretion in bringing violent and/or combative prisoners to the Police Department. These prisoners should be transported directly to the Barstow Sheriff's Station.
3. Suspects of the opposite sex should not be placed in the interview room together.
4. Adult and juvenile suspects shall never be placed in the interview room together.
5. No prisoner who is injured or ill shall be left unattended in the interview room.
6. No prisoner who has any known history of attempting suicide, or has threatened suicide, or has been detained for psychiatric evaluation, or who manifests depression, shall be left unattended in the interview room.

### HOLDING CELLS

Holding cells are not intended for long-term holding of suspects in custody. Unless special permission is obtained from the Watch Commander, no suspect shall be held in the holding cells for more than one (1) hour while awaiting transportation to a holding facility.

### MEALS

Should the detainment of the prisoner involve a period during breakfast, lunch or dinner, and the prisoner will not be booked at the Sheriff's Station before their meal period ends, the Officer should provide the prisoner with a meal. Prisoner's meals are obtained by the Officer using a meal requisition at a local restaurant. Officers shall not provide a prisoner with a metal fork or knife. A plastic fork or knife shall be given to the prisoner and collected afterwards.

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## SEARCH OF SUSPECTS PLACED IN HOLDING CELLS

Persons arrested for offenses that necessitate formal booking at San Bernardino County Jail or other facility shall be thoroughly searched prior to placing them in the holding cells. In the case of persons in custody for traffic warrants who can post bail immediately, 11357 (b) H & S, or other circumstances where there is no right to book in the first place, a thorough search is unlawful.

However, all persons placed in the holding cells shall have their pens, pencils, sharp items, such as combs, fingernail files, etc., removed, as they might be used to deface the room or be used as a weapon. Belts and ties shall also be removed from the person. No prisoner shall be allowed to smoke in the holding cell, nor will the prisoner be allowed to keep cigarettes, matches or cigarette lighter on their person.

## INVENTORY OR PROPERTY

Any property removed or seized as evidence during a thorough search must be inventoried in front of the arrestee. A receipt for that property must be given to the subject, and upon release the subject shall sign the Department's copy showing he did receive his property back. The property seized as evidence should be differentiated from the property removed for safety purpose.

## WELL-BEING OF PERSONS BEING DETAINED

The officer who places an "in-custody" into the holding cell shall, at intervals not greater than every thirty (30) minutes, check on the well-being of any person(s) placed in the holding cell. If a prisoner is injured while being detained in the holding cell, the officer shall obtain treatment for the prisoner if needed and as soon as possible notify the Watch Commander. A First Aid Kit will be available adjacent to holding cell #1 in the equipment locker marked "First Aid Kit".

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## MENTAL PATIENTS

Special care should be taken when processing a mental patient. If the patient is suicidal or combative, the patient shall be restrained utilizing the Department's straight-jacket, ankle cuffs, handcuffs, or whatever means is necessary to ensure the safety of the patient and the officer. The straight-jacket and cuffs are located in the equipment locker adjacent to holding cell #1. In such cases, the patient shall never be left unattended in the holding cell.

## COMMUNICABLE DISEASE

If an officer learns that a prisoner in the holding cell has a communicable disease, the officer shall segregate that prisoner from all other prisoners. The officer shall then have the prisoner examined at the Barstow Community Hospital.

## IN CASE OF DEATH

If a prisoner should die while being detained in the holding cell, the Watch Commander shall be notified immediately. The Watch Commander shall notify the Chief of Police via the chain of command as soon as possible. A thorough investigation shall be conducted using uninvolved personnel.

## INSPECTION OF HOLDING CELL

It shall be the responsibility of each officer utilizing a holding cell for detention purposes to inspect the room for damage after such use. The on-duty Watch Commander will inspect the holding cells and report any sanitation, safety or maintenance requirements.

## IN CASE OF FIRE

In the event of a fire within the Police Department, prisoners shall be immediately removed from the holding cells and taken to a safe place. At no time will the prisoner be left unattended after removing the prisoner from the cell.

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## HANDCUFFING OF SUSPECTS

Suspects shall not be handcuffed when placed in the holding cell unless authorized by the Watch Commander.

## DAMAGE TO HOLDING CELLS/EQUIPMENT

Any suspect who damages, vandalizes or defaces the holding cell and/or its furnishings, shall be charged with violation of Section 606 P.C.

## CAUTION

It should be noted that males and females are never to be placed together in a holding cell nor shall adults and juveniles be mixed together in either holding cell.

## JUVENILES

### Section 300 (A) (B) (D) Protective Custody

If a juvenile is brought into a police facility per section 300 W & I, he may be interviewed and held a sufficient amount of time to complete the necessary documentation and placement. This juvenile shall not be placed in any secured room, nor shall he be without immediate supervision. Under no circumstances shall the juvenile be within sight or sound of any juvenile in custody for 601 W & I (pre-delinquent), any juvenile for 602 W & I (criminal offense), or any adult offender (this includes any trustee).

### Section 601 W & I Pre-delinquent

A juvenile arrested for 601 W & I may be brought into a police facility for interview, booking and held for a sufficient time to complete documentation and placement. He/she shall not be placed in any secured room or lock up and shall be under close supervision at all times. He/she shall not be within sight or sound of any juvenile for 602 W & I or any adult offender (again this includes the trustees).

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Additionally, any juvenile brought into a police facility for 601 W & I shall be held a maximum of six hours in that facility. He shall be properly admonished of the reason for his detention, the estimated length of that detention and the maximum legal length of detention. The arresting officer shall prepare a Juvenile Detention Form, indicating the juvenile's name, reason for detention, exact time that detention began and the exact time that detention terminated. This form shall be in addition to any arrest or juvenile application reports.

### Section 602 W & I Criminal Offense - under 14 years of age

A juvenile arrested for violation of the law who is under the age of fourteen (14), may be brought to the police facility for interview, booking and for sufficient time to complete documentation and placement. Under no circumstances shall a juvenile in custody for 602 W & I, who is under the age of fourteen (14), be placed in a secured room or lock up; and he/she shall have immediate supervision at all times.

The maximum duration of this detention shall be six (6) hours.

The juvenile shall be admonished of the reason for the detention, the estimated length of the detention and the legal maximum length a juvenile may be detained.

Additionally, the arresting officer shall prepare a juvenile detention form as described earlier.

### Section 602 Criminal Offense - 14 years of age or older

A juvenile arrested for any charge that constitutes a violation of 602 W & I and who is fourteen (14) years of age or older, may be brought to a police facility for interview, booking and the necessary time for documentation and placement. The legal length of this detention shall be a maximum of six (6) hours. He/she may be locked in a secured room or lock up (holding cell) only if the officer can articulate specific facts to show that this juvenile is a danger to himself or others, or is an escape risk.

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While the juvenile is detained or held in a secured or unsecured room, he/she shall be out of sight or sound of any adult offender and shall be closely supervised. Additionally, a juvenile who is fourteen (14) years of age or older, and is arrested for a violation of 602, must be properly admonished of the reason for the detention, the estimated length of the detention and the maximum legal length of the detention.

If the juvenile is placed in a secured room or lock up, he shall be admonished of the reason for this secured detention.

The arresting officer shall prepare a Juvenile Detention Record indicating the reason for the detention, the time the detention began and the time the detention was terminated. If the juvenile was placed in a secured room or lock up, that fact shall also be indicated on the form.

Note: In all cases where a juvenile is under arrest and is brought to the police station for 601 W & I, the arresting officer shall prepare a Juvenile Detention Record and admonishment form. This form shall then be attached to the juvenile application form.

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